

Juvenile Justice Improvement Committee
Judicial Conference of Indiana

Minutes
June 2, 2006

The Juvenile Justice Improvement Committee of the Judicial Conference of Indiana met at the Indiana Judicial Center on Friday, June 2, 2006, from 12:00 noon until 3:00 p.m.

1. Members present. Robert R. Aylsworth, Mary Beth Bonaventura, John J. Boyce, W. Timothy Crowley, Richard A. Dailey, Roger L. Duvall, Brett J. Niemeier, Daniel Lee Pflum, and Charles F. Pratt, Chair.
2. Staff present. Jeffrey Bercovitz and Anne Jordan provided the committee with staff assistance.
3. Minutes approved. The minutes for the meeting on May 5, 2006 were approved.
4. Guests present. Laurie Elliott, Director, Youth Law T.E.A.M. of Indiana and Larry Landis, Executive Director, Public Defender's Council, were also present.
5. Recent legislation. Committee members discussed House Enrolled Acts 1232 and 1347; and Senate Enrolled Acts 12, 132, 153, and 193; and 20 U.S.C. § 1415 (b)(2)(A)(i); 511 IAC 7-24-1&2 concerning appointment of educational surrogate parents by courts.
6. Best practices. Anne Jordan distributed a survey of juvenile court innovative programs for completion by committee members. The results will be used to highlight these practices for all judges at the juvenile court annual meeting in Bloomington on June 22-23, 2006.
7. Report on Waiver of Counsel.
 - a. Laurie Elliott, Director, Youth Law T.E.A.M. of Indiana gave presentation on the report, Indiana: An Assessment of Access to Counsel and Quality of Representation in Delinquency Proceedings, by National Juvenile Defender Center and Central Juvenile Defender Center, Children's Law Center, Inc. She highlighted the portion of the report, which indicates juveniles waive counsel without consultation with an attorney. She said staff is looking to find how other states handle this issue. The committee discussed significant fiscal impact of appointment of counsel in every status and crime delinquency case for a determination of whether the juvenile would waive counsel; concerns whether this would interfere with the ability of courts in their *parens patriae* role to structure informal adjustments; and whether the appointment of counsel before waiver by a juvenile in all cases would answer the problems noted in the report.
 - b. Larry Landis, Executive Director, Public Defender's Council distributed draft legislation for review by committee members concerning the waiver of counsel.
 - c. Laurie Elliott agreed to return final language of proposed legislation on this issue to committee members.

8. OJJDP compliance monitoring. Laurie Elliott announced the Indiana Criminal Justice Institute would hold five (5) regional training sessions for compliance with OJJDP requirements for detention centers, jails and lock-ups, which securely detain juveniles. Committee members agreed to distribute a memo from the Youth Law Team, which monitors JJDP requirements, to encourage courts to send appropriate staff to attend.

9. Other business. Jeffrey Bercovitz distributed the following:

- a. Project Extended Day (LaPorte County) materials;
- b. A copy of the March 2006 settlement agreement between the U.S. Department of Justice and Indiana Department Correction concerning the DOC mental health treatment, educational and other programs that violated the civil rights of juveniles;
- c. The cover letter and selected portions of the Children's Social, Emotional & Behavioral Health Plan Interagency Task Force Report to committee members; and
- d. Recent newspaper articles.
- e. Jeffrey Bercovitz gave a report on Indiana's Child and Adolescent Needs and Assessment (CANS) Instrument Implementation Team meetings.

10. Next meeting dates. Committee members agreed to meet again on the following dates: October 6 and November 3, 2006, all from 12:00 noon – 3:00 p.m. at the Indiana Judicial Center. In addition, they agreed to meet on: January 5, February 2, March 2, May 4, and June 1, 2007; all from 12:00 noon – 3:00 p.m. at the Indiana Judicial Center,

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Services